

OGC 71-0379

12 March 1971

## MEMORANDUM FOR THE RECORD

**SUBJECT: Executive Order 11219 - The Appointment of Foreign Service Personnel in the Competitive Service**

1. Exec. Order No. 11219 dated May 6, 1965 provides that under rules and regulations prescribed by the Civil Service Commission, present or former Foreign Service personnel may be appointed in a competitive service if they:

- a. are qualified for a position in the competitive service,
- b. were appointed in the Foreign Service under the Foreign Service Act or any supplementing legislation,
- c. served in the Foreign Service under an unlimited, career-type appointment,
- d. are appointed within three years after separation from the Foreign Service, or have completed at least three years of substantially continuous service under a nontemporary appointment immediately before separation, or have veterans' preference.

The Order further provides that upon appointment such personnel automatically acquire competitive status. In the field of Government personnel administration, the term "competitive status" means that civil service rules and regulations control the individual's promotion, transfer, reinstatement, reassignment, or demotion (FPM Supp. 990-1 III-25).

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2. In accordance with its authority to prescribe rules and regulations, the CSC has restricted an agency's exercise of the non-competitive appointment authority granted by the Order to those situations where the prospective appointee's present or former agency has arranged with the CSC for an interchange of career personnel between its civil service and its Foreign Service (FPM Ch. 315). To date, however, only the Department of State and the United States Information Agency have made arrangements for the required noncompetitive interchange. In order that certain Foreign Service personnel (FSO or FSS) might be eligible for noncompetitive appointments in other agencies, the Department of State's agreement with the CSC requires that it waive certain of its testing requirements for the appointment of a career civil service employee in the Foreign Service Staff Corps and that it credit the appointee's civil service time toward the required probationary period (FAM Vol. 3 § 120b).



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*cc: D/Pers*